

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Did you have any knowledge that Ms. Varner had
2 written this memo to Mr. Ward in or about February of '99
3 making some statements about her interaction with Barbara
4 Graham?

5 A. No.

6 Q. Did anyone come to you and ask you if you had
7 observed any of the interaction between Ms. Varner and
8 Ms. Graham?

9 A. No.

10 Q. Anybody ask you at any time if you had observed
11 anything between Ms. Varner and Ms. Graham?

12 A. Not that I recall.

13 Q. Would you look at the last document of Exhibit
14 16, please? This is a handwritten document from Ms. Varner
15 to Tom Kline.

16 A. Yes.

17 Q. Who is Tom Kline?

18 A. He is the sheriff of Cumberland County.

19 Q. Do you recall seeing this document, specifically,
20 the fourth page of Exhibit 16?

21 A. I do not recall seeing this document.

22 Q. Did you have any discussions with Tom Kline
23 regarding Barbara Varner?

24 A. No, I did not.

25 Q. Did you have any discussions with Tom Kline

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 regarding Barbara Graham?

2 A. No, I did not.

3 Q. Mr. Osenkowski, were you present at a meeting
4 that involved Mr. Graham and his attorney and Judge Sheely on
5 July 10 of 1997?

6 A. No. I wasn't present.

7 Q. Were you ever present in any meeting at which
8 Mr. Graham and his attorney discussed matters relating to
9 Ms. Varner?

10 A. No.

11 Q. Did you know that Mr. Graham had engaged an
12 attorney to speak to Judge Sheely?

13 A. Not specifically. I think I heard, from where I
14 don't know, that he had engaged Dave Foster, I believe, but I
15 wasn't privy to any information.

16 Q. Did Mr. Graham tell you that he had obtained
17 someone to advocate for him?

18 A. He may have.

19 Q. Do you think it was in or about the time of July
20 10, 1997?

21 A. Approximately that time.

22 Q. Do you remember if Mr. Graham told you why he was
23 engaging an attorney?

24 A. Not specifically.

25 Q. Do you remember anything he told you about that?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 MR. ADAMS: Engaging an attorney?

2 MS. WALLET: About counsel.

3 THE WITNESS: I presume it was because of the
4 Complaint, but I didn't know any specifics and I was never
5 told anything.

6 BY MS. WALLET:

7 Q. When you gave the directions to Ms. Varner that
8 had been given to you from Judge Hoffer about staying out of
9 a certain area in the courthouse, had you ever been given
10 such directions previously?

11 A. No, but I told him I didn't think it was such a
12 good idea, to remove her from that area. That was my gut
13 reaction.

14 Q. So this was the first time your supervisor had
15 ever suggested to you that one of your employees, an employee
16 you supervised, should be restricted from some portion of the
17 courthouse?

18 A. Yes.

19 Q. And that would be true for your 32 years of
20 employment?

21 A. Yes. I mean --

22 MR. ADAMS: Just for clarification, you haven't
23 been -- I don't think he's been in a managerial, you know, in
24 a managerial position those 32 years, so it wouldn't be
25 totally accurate.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 MS. WALLET: Okay.

2 BY MS. WALLET:

3 Q. How many of those years were you in a supervisory
4 responsibility?

5 A. I was promoted to supervisor, I believe it was in
6 September of 1977.

7 Q. So some 24 years?

8 A. Yeah.

9 Q. This was the first time?

10 A. Yes.

11 Q. In the previous period of time earlier than 24
12 years ago up till about 32 years ago when you started, did
13 you ever hear of anybody being so restricted?

14 A. No, I didn't.

15 Q. Why did you tell the judge you didn't think it
16 was such a good idea?

17 A. Because common sense told me it's a public area,
18 it was our area, and there was a remote possibility that she
19 could have conducted business with either Juvenile, other
20 Juvenile officers or Adult officers.

21 Q. So there may have been a legitimate business
22 reason for her to go to that location?

23 A. Yes.

24 Q. And what did Judge Hoffer say?

25 A. He said, do what I asked you to do, I've got

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 concerns about a potential conflict and I want to avoid it.

2 Q. To the best of your knowledge, were there any
3 restrictions imposed on Barbara Graham as to where she could
4 go in the courthouse?

5 A. I was not aware of any restrictions.

6 Q. Did Judge Hoffer offer to you during that
7 conversation that he was restricting not only Ms. Varner but
8 also Ms. Graham?

9 A. In the brief conversation that he had with me, he
10 stated that he was restricting Ms. Varner.

11 Q. Did you ever observe any conflict between Barbara
12 Varner and Barbara Graham?

13 A. No.

14 Q. Now, at some point Ms. Varner asked to move her
15 office. Is that correct?

16 A. Yes.

17 Q. What do you remember about the request to move
18 the office?

19 A. It was granted.

20 Q. Well, what did she ask to do?

21 A. After the bomb threat, Barbara advised that
22 she -- Barbara didn't advise me, but I believe Barbara
23 consulted with the Human Resource office, specifically Chris
24 Miller, the HR director, and she wanted to be moved from the
25 office where she was when the bomb threat occurred, to the

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 annex area.

2 Q. And were you supportive of that request?

3 A. Yes, I was.

4 Q. Why?

5 A. Because after consulting with Chris Miller, Chris
6 Miller felt that it would be a good idea. So I went along
7 with it.

8 Q. And did Ms. Miller tell you why she thought it
9 was a good idea?

10 A. Because Barbara Varner had some fears about
11 remaining in the office where the bomb threat occurred.

12 Q. And Ms. Miller thought that this might remedy
13 that situation?

14 A. Yes.

15 Q. Did you discuss the matter of the move of the
16 office with the judge at that time?

17 A. I believe I may have sent a memo, perhaps sent a
18 memo, and I'm not sure of this, to the judge advising him
19 that I approved of the move after consulting with Chris
20 Miller, who recommended the move be made.

21 Q. And what did Judge Hoffer say?

22 A. I don't recall. There wasn't much of a reaction
23 I think after I told him that it was recommended by the HR
24 director.

25 Q. Did Judge Hoffer tell you to get Ms. Varner to

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 put it in writing?

2 A. I don't recall.

3 Q. Did you ask Ms. Varner to put it in writing?

4 A. I don't honestly recall whether I did.

5 Q. Was she ultimately moved?

6 A. Yes.

7 Q. And that's where her office is now?

8 A. Yes.

9 Q. Did judge Hoffer ever rescind his directive to
10 Ms. Varner conveyed through you that Ms. Varner was not to go
11 into the annex area?

12 A. It was not conveyed through me. I shortly after
13 the bomb threat was out of the office for about a week and
14 actually out of the area in Houston, Texas, for a training
15 conference. So I wasn't available for a conference, for any
16 conferencing.

17 Q. Okay. So after the bomb threat you were gone for
18 a period of time?

19 A. Yeah. I left the following day for State College
20 to a statewide chiefs meeting. Came back early the next
21 morning, which was Saturday, I flew to Texas.

22 Q. How long were you out of work, sir?

23 A. I was out of the office but working at the
24 conference I believe till the following Friday.

25 Q. Two weeks?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. No, it was about a week.

2 Q. Okay. Well, let me ask a more specific question.

3 Based on Exhibit 16, if you accept the date, you told
4 Ms. Varner on May 26th that she was restricted from the third
5 floor east wing of the courthouse, correct?

6 A. Yes.

7 Q. At any time after May 26th, 1998, did Judge
8 Hoffer rescind that restriction?

9 A. Not to the best of my knowledge.

10 Q. Did the move of the office to the annex area, did
11 that violate the restriction that you relayed to Ms. Varner
12 on May 26th?

13 A. I don't recall if -- it was a different set of
14 circumstances and it was a recommendation of the Human
15 Resources Department, and under the circumstances I felt it
16 was appropriate to go along with the recommendation of Chris
17 Miller, the HR director.

18 Q. Is her office, Ms. Varner's office presently in
19 the part of the courthouse where she was restricted from?

20 A. Yes.

21 Q. To the best of your knowledge, is she still under
22 any restrictions based on Judge Hoffer's directive?

23 A. No.

24 Q. When do you believe those restrictions were
25 lifted?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. Well, they eased after the court stenographers
2 would have left the area and gone to their permanent
3 headquarters on another floor in another area.

4 Q. And when was that, sir?

5 A. I'm not sure.

6 Q. Well, was it closer in time to June of '98 or
7 closer in time till today?

8 A. Closer in time to June of '98.

9 Q. Do you think the stenographers moved before 2000?

10 A. I believe so.

11 Q. Did Ms. Varner complain to you that she was
12 humiliated by this restriction on her ability to go into the
13 annex area?

14 A. I don't know that specifically she says she was
15 humiliated. I recall that she felt that it was unfair to
16 restrict her.

17 Q. And you were somewhat in agreement?

18 A. Yeah. I told the judge it wasn't such a good
19 idea.

20 Q. She did complain to you, though, about that
21 decision, did she not?

22 A. She told me she felt it was a public area and
23 that she should have access to because of the potential for
24 having the need to consult with, work with both other Adult
25 and other Juvenile officers who were physically housed in

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 that area.

2 Q. If she didn't say she was humiliated, did she say
3 she was embarrassed about it?

4 A. I don't recall her saying humiliated or
5 embarrassed.

6 Q. What do you recall her saying?

7 A. That she felt it was unfair because it was a
8 public building, and secondly, that there was the possibility
9 she would have to consult with others, both adult and
10 juvenile officers, professionally.

11 Q. Did you write Ms. Varner a memo about the bomb
12 scare in March of 2002?

13 A. Yes.

14 Q. Why did you write that memo?

15 A. Because she wrote me a memo I believe asking for
16 a response. And secondly, I felt that it was appropriate for
17 me to respond that I acted in good faith since there was no
18 office protocol, county protocol, about whose responsibility
19 it was to clear buildings.

20 MS. WALLET: I'd like to mark as Deposition
21 Exhibit 17 a one-page document.

22 (Osenkowski Deposition Exhibit 17 was marked.)

23 BY MS. WALLET:

24 Q. Are you familiar with the document we've marked
25 Deposition Exhibit 17?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. Yes.

2 Q. Is that the memo you wrote in or about April 2,
3 2002, about the bomb threat in March?

4 A. Yes.

5 Q. And this was in response to the memo that she
6 wrote to you?

7 A. Yes.

8 Q. Just curious, sir. Why did you write in the
9 third paragraph in a memo from you to her: I advised her
10 that there was no deliberate attempt to avoid notifying you?

11 A. Because I was -- it was a grammatical thing and I
12 most likely was responding -- I was angry because I felt I
13 acted in good faith, and received a memo of reprimand from
14 the chief clerk that I didn't evacuate the office.

15 And I advised the chief clerk that there was no
16 procedure established and that I waited as long as I could
17 before removing myself from our office area along with the
18 last secretary, and was blamed for something I felt that I
19 shouldn't have been blamed for doing.

20 Q. You're writing this memo, this is you to Barb
21 Varner, correct?

22 A. Yes.

23 Q. Why didn't you just say to her: Barb, I'm sorry,
24 I didn't make any deliberate attempt to avoid notifying you?

25 A. It was just a, I imagine it was a grammatical

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 error on my part without proofreading it. I can't offer any
2 other further explanation.

3 Q. In fact, you never came to her afterwards and
4 told her: I really didn't deliberately attempt to avoid
5 notifying you, did you?

6 A. I didn't go to her specifically, no.

7 Q. You were present during the testimony of
8 Ms. Varner and I believe the testimony of Mr. Graham about
9 shoes that were available from a charitable entity? Do you
10 remember that conversation, sir?

11 A. Yes.

12 Q. What do you know about those shoes?

13 A. I don't recall anything specific about those
14 shoes but I'll explain to you, even though I don't have to,
15 about my involvement with charities, if you want to hear it.

16 Q. Well, I only want to hear about these shoes. Are
17 you aware that there was a charitable entity that provided
18 shoes for individuals who received services in your office?

19 A. Yes.

20 Q. And did you have occasion to pick up those shoes?

21 A. Yes.

22 Q. What was the charitable entity?

23 A. You mean the organization that provided the --

24 Q. Yes, sir.

25 A. There was a corporation, a shoe corporation.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. How did you find out about these?

2 A. I did it on my own without any contract with the
3 county. It was just a kind gesture on my part that I did for
4 15 to 20 years.

5 Q. And for 15 to 20 years you would go and pick up
6 these shoes?

7 A. Yes.

8 Q. And what did do you with the shoes?

9 A. I provided institutions, detention centers,
10 individuals, with these charity shoes. These were returns,
11 rejects, that couldn't be marketed by the shoe corporation.

12 Q. And were they given to you by this corporation
13 for use by the juveniles under your supervision?

14 A. Yes.

15 Q. Did you keep any of these shoes for your personal
16 use?

17 A. I had the prerogative to provide these shoes to
18 whoever I deemed was, you know, in need of these products.

19 Q. My question, sir, was: Did you keep any of these
20 shoes for your personal use?

21 A. No.

22 Q. Not one?

23 A. Oh, I recall giving some shoes that were not
24 needed by the juvenile justice entities because they were not
25 needed. They were infant, baby shoes, that were mixed in

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 with the products I received, these charitable products I
2 received.

3 Q. Sir, would you answer my question? Did you keep
4 any of these shoes for your personal use or the use of your
5 family?

6 A. May have kept a couple of pair.

7 Q. Did you give any of these shoes to your daughter
8 to sell?

9 A. No.

10 Q. Did you give any of these shoes to Mr. Graham for
11 his personal use or the use of his family?

12 A. I don't recall.

13 Q. Have you used any of the office supplies for your
14 personal use, sir?

15 A. Personal use? No. I have tablets in my car and
16 I have tablets at my home which I use because I use the
17 telephone and I depend on memos written, handwritten memos.

18 Q. What about tapes?

19 A. Tapes?

20 Q. Tapes.

21 A. I don't recall.

22 MR. ADAMS: What do you mean by tapes?

23 MS. WALLET: Audio tapes.

24 THE WITNESS: I don't recall.

25 BY MS. WALLET:

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. You never used the county's audio tapes for music
2 retaping?

3 A. I don't recall.

4 Q. You didn't? Or you just don't remember?

5 A. I don't remember.

6 Q. Is it possible you did?

7 MR. ADAMS: Objection, asked and answered twice.

8 THE WITNESS: I don't recall.

9 BY MS. WALLET:

10 Q. What's your understanding of the county's policy
11 with regard to paying for schooling?

12 A. The county has a policy for paying for certain
13 course work which would be job related. Undergraduate,
14 graduate or any kind of education that has to do with the --
15 which would help in the performance of the county employee's
16 work performance.

17 Q. Is this a written policy of some sort?

18 A. Yes, there is a written policy.

19 Q. And were you aware that Ms. Varner had requested
20 county payment of certain schooling?

21 A. Yes. In fact, it was approved. She put a
22 request in and it was approved by me.

23 Q. And was it ultimately approved for payment by the
24 county?

25 A. I believe so.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Are you aware of any times when Ms. Varner
2 submitted requests for payment by the county that were
3 denied?

4 A. I believe there was a situation where a request
5 was made and that it was questioned. And then I believe that
6 when the questioned document came back to me, I reapproved
7 it.

8 Whatever course work that she put in for, I never
9 denied but only approved even after the second time it was
10 submitted.

11 Q. And you did that because you thought it was work
12 related and fell within the policy of the county?

13 A. Yes.

14 Q. Did you ever use cell phones for personal use?

15 A. No.

16 Q. Did you ever take a cell phone hunting?

17 A. I may have carried a cell phone with me some time
18 ago.

19 Q. Whose cell phone was that?

20 A. Mine.

21 Q. Your personal cell phone?

22 A. I believe.

23 Q. Did you ever carry the county cell phone?

24 A. I may have, but I don't recall specifically.

25 Q. Did you ever carry a cell phone that was assigned

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 to Ms. Varner when you were hunting?

2 A. I don't recall.

3 Q. Did you hear the testimony about your use of a
4 Bic lighter?

5 A. Yes.

6 Q. Is it true?

7 A. I vaguely recall having the item.

8 Q. What was this item, sir?

9 A. It was a makeshift Bic lighter which when flicked
10 ejected an artificial penis.

11 Q. And this was your personal property?

12 A. I believe I got it from someone and had it for a
13 brief period of time.

14 Q. You owned this lighter?

15 A. No, it wasn't mine. I got -- I forget who I got
16 it from, a friend or something. I had it for a brief period
17 of time.

18 Q. You borrowed it from a friend?

19 A. I think so.

20 Q. And why did you borrow such an item?

21 A. To use it in jest in a non-work situation.

22 Q. Did you use it in a work situation?

23 A. No.

24 Q. Did you use it at a conference?

25 A. I may have.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Did you use it at a conference where there were
2 probation officers under your supervision?

3 A. I don't recall.

4 Q. Why exactly did you borrow this lighter?

5 A. To use in jest, to show in jest.

6 Q. To show to whom?

7 A. I'm not quite sure I knew.

8 Q. Just thought it was a neat thing to do?

9 A. Perhaps.

10 Q. Mr. Osenkowski, Ms. Varner has alleged that you
11 called attention to her gender. Have you ever done that?

12 A. No.

13 Q. You didn't call her a female or a broad or
14 something that would relate to her gender?

15 A. No.

16 Q. Ever call her a bitch?

17 A. No.

18 Q. Have you made what might be considered by some
19 women inappropriate comments about women?

20 MR. ADAMS: Objection. Calls for speculation.
21 Will you please rephrase the question, maybe?

22 BY MS. WALLET:

23 Q. Well, have you ever said demeaning things about
24 women?

25 A. Not that I know of.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Did you ever use the term jeehoobees in reference
2 to some woman's breasts?

3 A. I think I told you that in the last, during the
4 last deposition, did I ever use that statement in my life? I
5 may have, but I don't recall, and I told you that with
6 regards to my work situation.

7 Q. And you didn't make it in reference to a female
8 intern's breasts?

9 A. I don't recall, no.

10 Q. Did you ever refer to your girlfriend's genital
11 area in front of women in the office?

12 A. No, I don't recall.

13 Q. Did you agree that Ms. Varner has been given some
14 of the most difficult of the Juvenile Probation cases?

15 A. No. Our cases are distributed based on the
16 officer's performance, and we strive to make sure they're
17 handed out fairly. And we strive to ensure that the person
18 with the most expertise to resolve, you know, a particular
19 case, will be given that case to work with.

20 Q. I know, sir, we had a brief discussion about this
21 the last time, but I had forgotten precisely what I asked
22 you, so I'll ask you again.

23 How do you keep statistics on the cases or
24 numbers of cases that are assigned to individuals?

25 A. Well, the supervisor does case assigning, and

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 it's not just a numbers game. It's a process that involves
2 the supervisor making sure that he knows the expertise of his
3 probation officers under him, and make sure that the,
4 secondly, that the cases are fairly distributed to the most
5 appropriate probation officers.

6 Q. Do you keep these statistics on a quarterly or
7 monthly, weekly basis?

8 A. Well, we have assignment sheets. Each individual
9 probation officer has a list of cases or a list that's kept
10 of the case assignments on a regular basis. That's ongoing.

11 Q. But if I said tell me how many cases Ms. Varner
12 had in June of 1999, is there a readily available statistic
13 where I could find that information?

14 A. I believe that the office manager can provide a
15 list of cases, assignment dates and completion dates.

16 Q. So somewhere there's a chart --

17 A. Yeah, there's a chart.

18 Q. -- that would show each person?

19 A. Numbers. Again, numbers. It's not just a
20 numbers game distribution, it's an expectation that I've
21 always had that supervisors should fairly distribute work,
22 and we cannot just look at numbers to get a refined defined
23 estimate of workload. It's not only numbers but it's
24 difficulty level, and one learns difficulty levels only after
25 being experienced himself or herself. So it's a dual

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 responsibility.

2 Q. My question, sir, is: If I ask you what were the
3 numbers of cases assigned to one of your individual juvenile
4 probation officers at any given time, does that document
5 exist now? Or would someone have to create that?

6 A. We have a -- we could give you a document that
7 would show case assignments.

8 Q. And you believe that that would be done on a
9 monthly basis?

10 A. It's an ongoing -- it's a daily basis.

11 Q. What's your understanding of the office policy
12 with regard to leaving on commitment trips?

13 A. There isn't any specific time that one should
14 leave. It's a matter of time of the day, time court is over
15 with, the kid himself or herself, whether or not there's
16 space in detention to either house overnight or proceed with
17 a placement. Any number of factors.

18 Q. Do you pay your probation officers from what I'll
19 call portal to portal, when they leave their home till they
20 return to their home?

21 A. As long as it's legitimate work time, yes. It
22 can be taken in comp time or overtime.

23 Q. And there's no restriction on not leaving at some
24 particular time after, let's say, eight o'clock in the
25 morning?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. No. But common sense would dictate that a PO or
2 two POs wouldn't take a child at 4:30 in the afternoon on a
3 snowy day after a placement's made when there was space in
4 detention, the child could be housed overnight and then
5 realistically taken the following day in the earlier part of
6 the day.

7 Q. Were you aware that Ms. Varner was docked pay by
8 Mr. Graham?

9 A. I think, this goes way back, six or seven years
10 ago, there was an incident, and I'm not that -- I'm fuzzy on
11 details, but there may have been a one-hour pay on one
12 occasion that was taken away from Ms. Varner. But again, I'm
13 not -- I'm fuzzy on details and I don't recall the
14 circumstances.

15 Q. Was it just Ms. Varner, or was it someone else?

16 A. Perhaps Debra Green. But again, I'm not --

17 MR. ADAMS: Don't guess. If you know, you know.

18 If you don't --

19 THE WITNESS: I may -- I don't know.

20 BY MS. WALLET:

21 Q. Are you aware of any male probation officers who
22 were docked pay?

23 A. No.

24 MS. WALLET: That's all the questions I have,

25 Mr. Osenkowski.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 THE WITNESS: Thank you.

2 MR. DELLASEGA: No questions.

3 MR. MacMAIN: I have some follow-up. You want me
4 to go?

5 MS. WILLIAMS: Yes.

6 BY MR. MacMAIN:

7 Q. Mr. Osenkowski, we've met before. My name's
8 David MacMain. I represent Mr. Graham. I just have a few,
9 what's the word we used before lunch, smattering of questions
10 in areas maybe I wanted to follow up both on today as well as
11 from prior days.

12 MR. DELLASEGA: Slogging.

13 MR. MacMAIN: Slogging.

14 BY MR. MacMAIN:

15 Q. Going back to the first day of depositions, let
16 me start there. Had you ever, other than this particular
17 occasion, ever received any type of complaint about
18 Mr. Graham's sexually harassing anyone?

19 A. I never received a complaint about Gary Graham's
20 sexually harassing anyone.

21 Q. Okay. And that would include no complaints by
22 Ms. Varner prior to this occasion of Mr. Graham in any way
23 sexually harassing her or creating a hostile work
24 environment?

25 MS. WALLET: Objection to the form of the

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 question. What do you mean by this occasion?

2 MR. MacMAIN: The occasion that we're here for
3 today.

4 MS. WALLET: She made a whole lot of complaints.

5 BY MR. MacMAIN:

6 Q. Prior to her first complaint to you, which is set
7 forth in the Complaint, have there been any other complaints
8 brought by Ms. Varner against Mr. Graham?

9 A. No.

10 Q. You had said that you described Mr. Graham as
11 having a loud voice and being excitable. Correct?

12 A. Excitable, yes.

13 Q. Would that be as to just Ms. Varner, or would
14 that be as to various people in the office?

15 A. Mr. Graham has an excitable personality is the
16 best way I can use to describe it.

17 Q. And my question then is: That excitable
18 personality and loud voice, that's the way he is with
19 everybody; would that be fair to say?

20 A. Yes. Yes.

21 Q. You talked the other day that the Probation
22 office is an unnatural environment, and I think you started
23 to explain that cases you deal with involve difficult
24 personalities, difficult issues and that type of thing.
25 Could you explain, I guess, in more detail what you meant by

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 that?

2 A. Well, we work with difficult people. The only
3 people we work with are people who are in trouble with the
4 law for any number of reasons. It's common criminality,
5 criminality that displays itself because of a host of
6 individual, personal problems, mental illness, social
7 disabilities on and on and on.

8 Q. And is part and parcel of the nature of the job
9 dealing with cases or individuals that may have -- cases or
10 individuals involving unnatural or difficult sexual
11 relations?

12 A. Yes.

13 Q. Would the cases and the clients you're involved
14 with also use profanity?

15 A. Yes.

16 Q. Cases your office deals with or clients your
17 office deals with, involved in physical violence?

18 A. Yes.

19 Q. When clients come in -- I assume clients come
20 into your offices on occasion?

21 A. Yes, regularly.

22 Q. Regularly. Do any of the clients ever use
23 profanity around the employees?

24 A. That's possible, yes.

25 Q. Have you heard profanity used by clients that are

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 in the office?

2 A. Yes.

3 Q. Do any of the clients have loud voices and yell
4 at their probation or parole officers?

5 A. At times it's possible.

6 Q. Do they use profanity towards their probation or
7 parole officers?

8 A. Yes.

9 Q. Would you agree with me that that unfortunately
10 is part of the job?

11 A. Yes.

12 Q. You talked today about the complaints regarding
13 the seniority issue, correct?

14 A. Yes.

15 Q. And you had said people were not happy with, some
16 people were not happy with changing it and some people were
17 unhappy with the way it was; would that be fair?

18 A. Yes.

19 Q. And that would involve both males and females had
20 differences of opinion one way or the other?

21 A. Yes.

22 Q. Do you have the pile of exhibits there in front
23 of you? I want you to look at what we marked as Osenkowski
24 12, if you'd turn to the page that has a Bates number of
25 210296 at the bottom? And what I'm looking at is a memo from

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717-233-1744, emily.clark@worldnet.att.net

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1 Thomas Boyer.

2 A. I have that.

3 Q. Okay. Would it be fair to say that Mr. Boyer
4 wasn't happy with the proposed changes to the seniority
5 system?

6 A. Was he?

7 Q. He was not happy with changing the system in some
8 way, the seniority system; would that be fair to say?

9 A. Well, he was I would say wanting changes in the
10 old seniority system because of the number of factors that
11 were used to come up with the seniority list.

12 Q. So is Mr. Boyer wanting the new system or opposed
13 to a new system?

14 A. He was wanting a new system.

15 Q. If you turn to page 4 of this memo, the Bates
16 number at the bottom is 210299.

17 A. I have it.

18 Q. I'm looking at the I guess comparison that
19 Mr. Boyer had done under the two different seniority systems?

20 A. Right.

21 Q. And Mr. Boyer actually, he would be affected by a
22 change in the system, right? On one list he would have been
23 second in seniority, and the other list he would have been
24 first, correct?

25 A. Yes.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. And Mr. Boyer, of course, is a male, correct?
2 A. Yes.
3 Q. And looking at individual 15, 15, Horick?
4 A. Yes.
5 Q. And Ms. Horick, that's Nicole Horick?
6 A. Nicole, right.
7 Q. A female, of course?
8 A. Yes.
9 Q. And again, under the two different lists, she
10 would be affected depending on which system was employed,
11 correct?
12 A. Right.
13 Q. And without comparing everyone, there's a number
14 of other individuals both male and female that would be
15 affected differently depending on which system was used?
16 A. Yes.
17 Q. Was there ever any discussion that the reason the
18 seniority system was being looked at was because of any
19 discriminatory purpose?
20 A. What do you mean by discriminatory?
21 Q. Well, in other words, different people may be
22 affected, but was there ever any motive or any other concern
23 by the people involved in looking at this that this would
24 somehow be discriminatory towards one group or another?
25 A. Yes.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Okay. Was that something that was considered as
2 part of looking at the issue?

3 A. Well, we wanted to rectify the, I'm going to use
4 the word unfairness and use a little different word.

5 Q. The motive was to try and make the system more
6 fair in some people's minds?

7 A. Fair. Yes, it was the only motive.

8 Q. You were asked some questions about whether or
9 not, I think you had answered some of the staff in the office
10 didn't like Gary Graham. Would that be fair to say?

11 A. That's fair to say, yes.

12 Q. Would it be fair to say that some of the staff in
13 the office don't like Barbara Varner?

14 A. That's fair to say.

15 Q. Would it be fair to say that not everybody in
16 your office likes everybody else?

17 A. No, they don't.

18 Q. You were asked earlier today about profanity in
19 the workplace and you were asked a series of categories of
20 people if they use profanity. Are there any females on your
21 staff that have ever used profanity in the office?

22 A. Yes, in the past.

23 Q. Are there any females in your office that have
24 ever told off-color jokes?

25 A. Yes.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. You were asked about Osenkowski 4, which is an
2 evaluation. Can you pull that out? If you turn to the
3 second page, okay? There are X's in the first column. For
4 example, there's an X under the satisfactory block. Do you
5 see that?

6 A. In the satisfactory block?

7 Q. Right.

8 A. You're referring to page 2?

9 Q. On page 2 in the first column under job factors
10 there's an X in the satisfactory block, correct?

11 A. Right.

12 Q. And if you look to the far left, there's a very
13 faint X under outstanding?

14 A. Yes.

15 Q. And in some of the other blocks there's the same
16 thing, there's a faint X in a different block that's kind of
17 penciled in, it looks like?

18 A. Yes.

19 Q. Do you know how those got there?

20 A. No.

21 Q. You don't know who put those there?

22 A. No.

23 Q. Do you know if Ms. Varner put those there as to
24 the evaluation she thought she should have gotten?

25 A. I don't know that.

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717-233-1744, emily.clark@worldnet.att.net

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1 Q. We went through a series of evaluations for
2 Ms. Varner and I'm not going to go through them again, but
3 does it appear that actually her evaluations have increased
4 or gone up over the past three or four years?

5 A. Yes. They've increased.

6 Q. Okay.

7 A. Dramatically.

8 Q. That would be despite the fact there was ongoing
9 litigation?

10 A. Yes.

11 Q. And despite the fact she's claiming that she
12 feels retaliated against by a number of people; would that be
13 fair?

14 A. Yes.

15 Q. You were asked I guess most recently some
16 questions about these charity shoes, and I don't think you
17 were asked the question were any of those shoes given to
18 either Ms. Varner or her family members to use for personal
19 use?

20 A. Yes.

21 Q. And was that on more than one occasion?

22 A. I believe on one occasion. As I started to refer
23 to there, I had the prerogative to use those shoes for
24 whatever purpose I deem proper. And the primary reason I
25 receive those shoes is to make sure that these desperate --

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 these kids that we deal with who may at times have only one
2 pair of shoes on their feet, which is all they own, you know,
3 receive something adequate on their feet so that they don't
4 suffer any more than they are suffering.

5 And I would like to say that 99 percent of the
6 stuff -- again, it's my prerogative, it's not a dictate by
7 the county, it's something Joe Osenkowski has done to improve
8 mankind, if you want to speak philosophically, and to improve
9 my position in terms of effectiveness of operating a most, in
10 a most difficult environment with difficult kids, and using a
11 product that normally would be thrown away.

12 Further to say that probably I have distributed
13 hundreds of thousands of dollars worth of shoes. In fact,
14 when that question was brought up the first day, I thought I
15 had a half-inch or a quarter-inch memo showing the numbers of
16 letters of thank you and what have you for my generosity, and
17 it's two and a half inches. And I threw one of the files
18 away many, many years ago because it was just collecting
19 space. So does that tell you anything?

20 MR. MacMAIN: Those are all the questions I have.
21 Thanks.

22 MS. WILLIAMS: I have a couple of questions, if I
23 might.

24 BY MS. WILLIAMS:

25 Q. Mr. Osenkowski, I'm Taylor Williams as you

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 know, representing the court defendant in this case.

2 You had occasion to review a document we've
3 marked as Osenkowski Exhibit No. 12?

4 A. Okay, I have it.

5 Q. And the first page of that has a date of February
6 28th, 2000. It was your testimony, I believe, that you
7 didn't know why this memo was written by Thomas Boyer.

8 Is it possible that the memo was written in
9 relation to the EEOC investigation?

10 A. Possibly.

11 Q. And that it might have been an attempt to revisit
12 that in order to answer questions related to the EEOC?

13 A. Yes. I now recall that I think there was a
14 request for documents, whether it been from a Howard Holmes?
15 And I now recall that you said that I directed Mr. Boyer to
16 prepare the history of the seniority policy because the
17 information was requested by I believe Howard Holmes from the
18 EEOC.

19 Q. Or --

20 A. Or someone.

21 Q. Or someone related to the EEOC?

22 A. Yes.

23 Q. Thanks. Let me direct your attention to
24 Osenkowski Exhibit No. 10. I can show you my copy.

25 A. All right.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. It's a handwritten memorandum from Barbara Varner
2 to you. Do you recollect seeing that earlier?

3 MS. WALLET: Excuse me. I think that might be
4 something other than 10.

5 MS. WILLIAMS: It is 16, I'm sorry. My own
6 handwriting has let me down, you're right.

7 THE WITNESS: I recall seeing the first page but
8 not --

9 BY MS. WILLIAMS:

10 Q. Right. It's the first page I have a question
11 about so that's fortunate. Is it fair to say that there has
12 never been a situation of conflict between employees like the
13 conflict between Barbara Varner and Barbara Graham, in your
14 experience?

15 A. Yes, it's fair to say that.

16 Q. On that exhibit, I'll look over your shoulder, in
17 the second paragraph there is wording that says: Barbara
18 Graham was distraught when I was there.

19 Where did that language come from? Is that
20 language that you had seen before or known about before?

21 A. I had not seen her distraught in that particular
22 area, but it was a language that --

23 Q. Did you tell Barbara Varner that Barbara Graham
24 was distraught when she was there in the courthouse east
25 wing?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. No, I did not tell Barbara Varner that Barbara
2 Graham was distraught. I was delivering a message from Judge
3 Hoffer.

4 Q. Were those the words Judge Hoffer used?

5 A. I believe he used the words avoid a potential for
6 conflict.

7 Q. But to your recollection, he did not say that
8 Barbara Graham was distraught when Barbara Varner was there?

9 A. I don't recall him saying that. It was an issue
10 of his attempts to avoid the potential for conflict.

11 Q. You mentioned that Ms. Varner might have the
12 potential to do business in that third floor east wing of the
13 courthouse. Do you know if she actually did have some
14 business there?

15 MS. WALLET: I'm going to object to the form of
16 the question. She was prohibited from going there. I'm not
17 sure how she could have had business there. I just object to
18 the question.

19 MS. WILLIAMS: Okay.

20 BY MS. WILLIAMS:

21 Q. Do you know whether she had occasion to have need
22 to do business with somebody who was in that annex?

23 A. Well, yes, because probation officers interact
24 with other probation officers as a regular part of their
25 duties.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. And were there ways to get around her actually
2 physically going to the probation officer?

3 A. To that particular area?

4 Q. Yes.

5 A. There were ways around that, and that was to have
6 the probation officer who was being sought out for consulting
7 to be brought to the main area, the main office area where
8 Barbara Varner's office was located.

9 Q. Are you aware that there were any problems
10 because she was temporarily restricted from going into the
11 area where Barbara Graham was?

12 A. No.

13 MS. WALLET: Objection to the word temporary.

14 BY MS. WILLIAMS:

15 Q. You can answer.

16 A. I was not aware of any problems.

17 MS. WILLIAMS: Thank you. That's all I have.

18 MR. ADAMS: Just a few questions.

19 BY MR. ADAMS:

20 Q. Do you recall counsel for Gary Graham asking you
21 a few questions a moment ago about sexual harassment
22 complaints by Ms. Varner? Do you remember that?

23 A. Yes.

24 Q. And you testified that you had never received any
25 complaints of sexual harassment by Barbara Varner; is that

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 correct?

2 A. That's correct.

3 Q. And you said there was no complaint by
4 Mrs. Varner about Gary Graham of sexual harassment; is that
5 correct?

6 A. Not that I had seen in this. I've seen the
7 Complaint.

8 Q. Okay. Other than the Complaint, there were no
9 verbal complaints of any sort by -- other than the official
10 Complaint, that being in the court or either in the EEOC
11 setting, there were no complaints by Ms. Varner; is that
12 correct?

13 A. Yes.

14 Q. I know you're tired. Bear with me, okay.

15 But you do recall testifying during your first
16 portion of this deposition indicating that Ms. Varner had
17 come to see to you complain about cases between she and Gary
18 Graham; is that correct?

19 A. Yes.

20 Q. Okay. And upon that occasion when she came to
21 you to complain, did she mention anything about sexual
22 harassment?

23 A. No. That was a complaint about the differences
24 they were having with case management issues, arguments.

25 Q. Had she come to you during that time and said or

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 with a complaint under the premise of sexual harassment by
2 Gary Graham, what would you have done?

3 MS. WALLET: Objection, calls for speculation.

4 MR. ADAMS: Well, it's been asked, the question.

5 BY MR. ADAMS:

6 Q. Go ahead, you can answer.

7 A. Barbara Varner did not come to me with a sexual
8 harassment complaint against Gary Graham. She came to me to
9 complain about differences they were having, disagreements
10 they were having with case management issues.

11 Q. Had she come to you with a complaint of sexual
12 harassment, what would you have done?

13 MS. WALLET: Objection. Calls for speculation.

14 BY MR. ADAMS:

15 Q. You may still answer.

16 A. I would have taken her to our superior or HR,
17 whatever the role was.

18 Q. You also received questions today regarding the
19 seniority policy that you implemented upon you becoming
20 chief. Do you remember those questions?

21 A. There were a lot of them.

22 Q. Yeah, I know. We'll pull you back in this area,
23 okay?

24 A. Okay.

25 Q. As a new chief, did you have other policy changes

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 or things that you wanted to implement in the office besides
2 the seniority policy?

3 A. About a hundred.

4 Q. Okay. And --

5 A. I'm just, not a hundred, but --

6 Q. What's an unexaggerated answer?

7 A. Major improvement in personnel and major
8 improvement in programming, specialized probation services.
9 We had nothing when we were thrown into that split situation.

10 Q. How many persons would you say complained, when
11 you first became chief how many persons would you say
12 complained about the seniority system or policy in effect at
13 the time?

14 A. There were complaints made for 11 years during
15 the Bolze administration by five, six, that's a guesstimate,
16 people.

17 Q. Five or six out of how many personnel total?

18 A. We had 20, 20 people.

19 Q. Upon the implementation of the new seniority
20 policy, how many persons would you say benefitted?

21 A. Four or five.

22 Q. Now, you testified earlier that Ms. Varner was
23 personally asked about the new seniority policy that you
24 wanted to implement. What is your understanding of that?

25 A. As I stated earlier, I had Mr. Boyer carefully go

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 over the planned changes in the seniority policy and
2 specifically that was to come up with one single deciding
3 factor why the seniority list was being made up, a new
4 seniority list was being made up, and that was time spent in
5 full-time service in Probation.

6 Q. And did Ms. Varner have any objections to the new
7 policy that you wanted to implement?

8 A. No.

9 Q. What were her feelings about it initially, do you
10 recall?

11 MS. WALLET: I'm sorry, her feelings about what?

12 BY MR. ADAMS:

13 Q. What were her feelings initially about the new
14 change in policy?

15 MS. WALLET: About it initially?

16 MR. ADAMS: Yes.

17 BY MR. ADAMS:

18 Q. If you recall?

19 A. The intended changes, according to information
20 which was given to me by Mr. Boyer, the person who I
21 delegated the duty of making sure he went over the new
22 changes with all staff.

23 Q. Do you believe that she felt the new policy that
24 you wanted to implement was fair?

25 A. Say that again.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. Do you believe that Ms. Varner felt the new
2 policy was fair?

3 A. Initially I thought she was -- she felt it was
4 fair.

5 Q. When you implemented the seniority policy in the
6 Juvenile Probation Department did you know that it would
7 negatively affect Ms. Varner at all?

8 A. No.

9 Q. If this question's already been asked, I
10 apologize, but my last question to you is: Can you explain
11 about, explain how Ms. Varner was not adversely affected
12 through that whole process with the seniority policy changes
13 going from one to the other?

14 A. Well, simply, it is a fact that she dropped one
15 notch on the new seniority list, but in reality, she did not
16 lose anything. She was given a promotion because the
17 criteria for senior PO were changed because she had made a
18 complaint about being dropped a notch and alleged that she
19 was being unfairly treated and that Bill Brandt was being
20 given something that she should have gotten. But the county
21 accommodated her by dropping the criteria from eight years or
22 six with a master's to four years and three years with a
23 master's. So she was accommodated.

24 And if anybody lost, it was William Brandt who
25 had to wait two-and-a-half months to three months before he

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 got the benefit of that initial 5 percent increase in his
2 salary while the county was deciding to drop the criteria
3 from eight years to four years.

4 Q. Mr. Brandt didn't complain at all about the
5 process, did he?

6 A. He wasn't happy but he didn't complain.

7 Q. But Ms. Varner did?

8 A. She complained but was accommodated. That's the
9 important thing, I feel.

10 MR. ADAMS: No further questions.

11 MS. WALLET: Back to me?

12 BY MS. WALLET:

13 Q. You said that four or five people benefitted from
14 your seniority policy. Who?

15 A. Maybe I'm getting tired, but I don't recall --

16 Q. Well, name one person.

17 A. Maybe the word benefitted is a bad word or not a
18 good word to use. But there were no further complaints made
19 by those who were complaining.

20 I'm drawing a blank. I don't know.

21 MR. ADAMS: If you don't recall, you don't
22 recall.

23 THE WITNESS: I don't recall.

24 BY MS. WALLET:

25 Q. So when you said four or five people benefitted,

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717-233-1744, emily.clark@worldnet.att.net

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1 you just kind of pulled that out of the air?

2 MR. ADAMS: Objection to the form.

3 THE WITNESS: The complaints ceased and everybody
4 appeared to be happier with the one criterion, full-time
5 service in the Probation Department and not service in other
6 departments, et cetera.

7 BY MS. WALLET:

8 Q. Isn't it true that the only person who benefitted
9 was Mr. Brandt?

10 A. You might say that. Yes.

11 Q. What shoes did you give to Ms. Varner?

12 A. I vaguely recall they were some infant shoes.

13 Q. What use did she have for these infant shoes?

14 A. I believe she had some grandchildren.

15 Q. Did you offer them to her or did she ask for
16 them?

17 A. I believe I offered them to her because there was
18 little use as to their need by juvenile institutions or
19 detention centers because there were no infants at the places
20 that I was getting these shoes and clothing to.

21 Q. One of your sister agencies is Children and
22 Youth, isn't it?

23 A. Yes.

24 Q. You could have given those shoes to Children and
25 Youth to be distributed to those individuals?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. Oh, yes.

2 Q. Did you do that?

3 A. And I did. We're talking here about an
4 insignificant number of shoes. And most importantly, I had
5 the prerogative to distribute, as long as the bulk of the
6 stuff went to where I felt it should go, and that was carried
7 out.

8 Q. You have a recollection at least one pair of
9 shoes were given to Ms. Varner?

10 A. I'd say I just vaguely -- maybe three or four.
11 That's just a guesstimate.

12 Q. All infant shoes?

13 A. I believe so.

14 Q. What do you remember about these shoes,
15 Mr. Osenkowski?

16 A. That I distributed thousands and thousands and
17 thousands of pair to institutions and individuals who were in
18 need of these things.

19 Q. And you remember a specific pair that you gave to
20 Ms. Varner?

21 A. I recall vaguely some infant shoes that I gave to
22 Ms. Varner.

23 Q. Now, when clients used profanity in your offices
24 you objected to that, didn't you?

25 A. If clients were particularly loud and unruly, I

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 would object to it.

2 Q. In fact, you would consider that to be part of
3 your probation officers' discipline, to ensure that they
4 treated individuals with respect; wouldn't you agree?

5 A. Yes.

6 Q. So if you got kids in there and they're using the
7 F word, you would expect that your probation officers would
8 put a stop to it, correct?

9 A. Yes.

10 Q. Did you do that?

11 A. If things got out of hand, I would have.

12 Q. Did they ever get out of hand? I'm sorry, I
13 missed the answer.

14 A. I didn't answer yet.

15 Q. Oh. That's why I missed it.

16 A. I'm trying to think if there's situation's where
17 I might have intervened, but I can't recall of anything
18 specific.

19 Q. Well, did you ever tell your probation officers:
20 When kids use profanity I expect that you will tell them
21 about it and you will stop it?

22 A. Yes.

23 Q. Yes, you did?

24 A. Yes.

25 Q. I neglected to ask you, sir, do you carry a

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 weapon as part of your responsibilities?

2 A. I am certified to carry a weapon but we have a --
3 whenever we split I made a training-only with weapons and a
4 no-carry policy, because very few people were certified to
5 carry and my emphasis was to get a number of people certified
6 before I approached the judge about a Juvenile probation
7 officer carry policy.

8 The Adult side continued their carry policy, but
9 we discontinued it as soon as we split. And several years
10 ago I offered a firearms carry policy to Judge Hoffer and he
11 never responded to implementing the carry policy. So the
12 policy continues to be a training-only and certification-only
13 policy with regards to weapons.

14 Q. After the split does the Juvenile Probation
15 office have weapons?

16 A. Yes, we have weapons.

17 Q. Where are they?

18 A. The weapons are in a locked safe in the basement
19 of the annex. The extra weapons or the individual probation
20 officers who are certified have been issued a weapon which
21 they keep in their home.

22 Q. So even after the split, individual probation
23 officers may have a weapon; they're just not permitted to
24 carry it --

25 A. Yes.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 Q. -- while at work?

2 A. Only certified officers. There's a state
3 certification system, it's I believe Act 158 which was an act
4 which created a department within the state Adult system
5 which developed a training policy.

6 Q. Okay. Let's talk about before the split. Before
7 the split did all of the Juvenile probation officers have the
8 opportunity to be certified to carry weapons?

9 A. Mr. Bolze had an annual certification process.
10 And I'm not sure of the year that the Commonwealth of
11 Pennsylvania passed this Act 158, but it was shortly before
12 Mr. Bolze retired.

13 Q. So before the split and before Mr. Bolze retired,
14 you had a weapon and you carried it while you were at work?

15 A. I never carried a weapon but I trained and
16 participated in the annual trainings which were held once a
17 year.

18 Q. And before this split and before he was
19 transferred to the institution, did Mr. Graham carry a
20 weapon?

21 A. I think Mr. Graham may have participated in the
22 annual qualification prior to the split and maybe shortly
23 after the split, but I don't recall that he was interested in
24 carrying or certifying.

25 Q. So your recollection is that before the split and

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 before he was transferred to the institution, he did not
2 carry a weapon while on duty?

3 A. No, he didn't. He trained.

4 Q. Did he have a weapon assigned to him?

5 A. There was a weapon available but I don't recall
6 that he was ever assigned one.

7 Q. If you're not allowed to carry a weapon as a
8 juvenile probation officer, why do you even have weapons?
9 Why are they assigned to people?

10 A. Well, it's training and it's up to the discretion
11 of the juvenile court judge and the president judge as to
12 whether or not he wants his probation officers carrying. And
13 in the State of Pennsylvania I, my guess is that
14 approximately one-third of the Juvenile Probation Departments
15 in the state have a carry policy.

16 Q. Who pays for the liability insurance?

17 MR. ADAMS: Of carrying?

18 MS. WALLET: For the weapons that are owned by
19 the court system.

20 THE WITNESS: Well, the county has a liability
21 policy, and it would be my understanding that the liability
22 policy carried by the county would cover the area that you're
23 talking about.

24 MR. ADAMS: I don't want you to guess. If you
25 didn't know --

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

Joseph Osenkowski

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1 THE WITNESS: I don't know. I'm not sure. I'd
2 have to refer to the policy I placed on Judge Hoffer's desk
3 over two years ago.

4 BY MS. WALLET:

5 Q. Before the split, if a probation officer was
6 certified and chose to carry a weapon, where was that weapon
7 kept during the business day?

8 A. The probation officer's home.

9 Q. Could you carry it into the courthouse on your
10 person?

11 A. Yes.

12 Q. Were there any restrictions about not having it
13 on your person while you were at work?

14 A. It would have to be secured in a safe place in
15 the courthouse.

16 Q. And was that this locked safe in the basement?

17 A. Yes.

18 Q. Who had access to this safe?

19 A. I have the master key.

20 Q. Did your management team also have access to this
21 safe?

22 A. No.

23 Q. Who else besides you?

24 A. No one.

25 Q. Did Mr. Graham have access to that safe?

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 A. No.

2 Q. How do you know that?

3 A. Mr. Graham had no interest. And he was removed
4 from my department for, you know, within a year and a little
5 bit after we split, so. And in addition to that, he had no
6 interest.

7 Q. My question, sir, was: Did he have access to
8 that safe?

9 A. No.

10 Q. He didn't know the combination?

11 A. No. There wasn't a combination. It was a key
12 that I have in my locked desk.

13 Q. Any provisions if you were away on vacation?

14 A. No.

15 Q. So if you were away, nobody had access to the
16 weapons?

17 A. Right.

18 Q. What female probation officers told off-color
19 jokes?

20 A. I believe Kerry Houser. She's no longer with --
21 she's not with Juvenile Probation, she's on the Adult side.

22 I don't recall others.

23 Q. Any other female probation officer tell an
24 off-color joke in your presence?

25 A. I don't recall.

Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

Joseph Osenkowski

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1 Q. Is that a no?

2 A. I just don't recall.

3 MS. WALLET: That's all I have.

4 MR. MacMAIN: No further questions.

5 (Whereupon, the deposition was concluded at

6 3:59 p.m.)

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Emily R. Clark, RMR
717-233-1744, emily.clark@worldnet.att.net

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1 COMMONWEALTH OF PENNSYLVANIA)
2)
3 COUNTY OF DAUPHIN)

4 I, Emily R. Clark, a Court Reporter-Notary Public
5 authorized to administer oaths and take depositions in the
6 trial of causes, and having an office in Harrisburg,
7 Pennsylvania, do hereby certify that the foregoing is the
8 testimony of JOSEPH L. OSENKARSKI taken by Plaintiff at the
9 Administrative Offices of Pennsylvania Courts, 5035 Ritter
10 Road, Mechanicsburg, Pennsylvania.

11 I further certify that before the taking of said
12 deposition the witness was duly sworn; that the questions and
13 answers were taken down in stenotype by the said
14 Reporter-Notary, approved and agreed to, and afterwards
15 reduced to computer printout under the direction of said
16 Reporter.

17 I further certify that the proceedings and
18 evidence are contained fully and accurately in the notes
19 taken by me on the within deposition, and that this copy is a
20 correct transcript of the same.

21 In testimony whereof, I have hereunto subscribed
22 my hand this 27th day of February, 2003.

23

24

25

Notary Public